

Remarks

Claims in the Application.

Claims 1-18 are active in this application. Claim 9 has been objected to. Claims 1-18 have been rejected. Based on the amendments to the claims and the following remarks, reconsideration is respectfully requested.

Objection to Claims 8-10.

Claims 8-10 were objected to for informalities and as being improper dependent form. Applicants believe that the amendments to the claims have obviated a discussion of these objections. Reconsideration is respectfully requested.

Rejection of Claims 1-18 under 35 U.S.C. § 112, Second Paragraph.

Claims 1-18 were rejected under 35 U.S.C. § 112, Second Paragraph. The claims have been clarified that the authentication product and the security architecture are software. The dependent claims show how the software may be embedded in computer-readable media. Of note, Claim 3 has been amended to clarify that this refers to an authentication software product. Claim 8 has been amended to clarify that the authentication software product is properly referenced. Claim 9 has been amended to clarify the reference to the authentication software product. Claim 3 has been changed to remove the trademark, but Applicants urge that Java™ servlets are a preferred embodiment.

Rejection of Claims 1-18 under 35 U.S.C. § 101.

The Rejection of the Claims under 35 U.S.C. § 101 has been obviated by the clarification that software embodied in a computer readable medium by the amendments to the claims. Reconsideration is respectfully requested.

Rejection of Claims 1-18 under 35 U.S.C. § 102.

Claims 1-3, 5-6, 8, 10, and 18 have been rejected under 35 U.S.C. § 102 by U.S. Patent No. 6,199,113 ("*Alegre*"). To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention either explicitly or inherently. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). For the following reasons, reconsideration is respectfully requested. *Alegre* does not disclose a system for software product distribution. Instead, *Alegre*

discloses the creation of a session key that is used to access a server. As *Alegre* discloses, “If the UID and PWD are valid, authentication server 226 receives a user access profile from authentication database 224. Authentication server 226 then requests a session key from key server 234. Key server 234 creates a unique and unpredictable session key, and stores the session key, the UID, the PWD, and key expiration criteria in key database 236. Authentication server 226 then transmits the session key and user access profile to web host 210. *Web host 210 stores the session key at client browser 110 using a cookie.*” This activity does not occur within the server. Therefore, the authentication software product is not capable of servicing at least one external source. Moreover, the “stand-alone” aspect of Claims 8-10 is not disclosed for this same reason. This distinguishes this reference from all of the claims of this application. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 103(a).

Claims 4, 9, and 11-17 were rejected under 35 U.S.C. § 103(a) in light of *Alegre* in view of U.S. Patent No. 6,243,468 (“*Pearce*”). When considering an obviousness rejection, the Examiner cannot “pick and choose among the individual elements of assorted prior art references to recreate the claimed invention,” but rather, the Examiner must look for “some teaching or suggestion in the references to support their use in the particular claimed combination.” See *SmithKline Diagnostics, Inc. v. Helena Lab. Corp.*, 859 F.2d 878, 887 (Fed. Cir. 1988). Moreover, a prior art reference may be considered to teach away when “a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994).

For the reasons discussed above, *Alegre* teaches away from the present invention as claimed. The teaching of *Pearce* does not cure this deficiency. *Pearce* also fails to teach software product distribution by using authentication software product that is capable of servicing at least one external source. *Pearce* instead focuses on hashing routines and similar techniques of thwarting piracy. Assuming *arguendo* that *Pearce* teaches elements of the dependent claims, *Pearce* still fails to cure the deficiencies of *Alegre* in teaching the inventive broad claims and therefore all the claims dependent thereto.

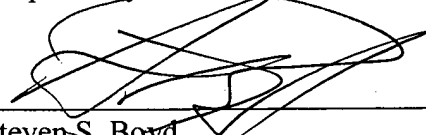
Claim 7 was rejected in light of *Alegre* in view of U.S. Patent No. 6,212,635 (“*Reardon*”). The teaching of *Reardon* also fails to cure this deficiency of *Alegre*. *Reardon* fails

to teach software product distribution by using authentication software product that is capable of servicing at least one external source and focuses on token management. Assuming *arguendo* that *Reardon* teaches elements of the dependent claims, *Reardon* still fails to cure the deficiencies of *Alegre* in teaching the inventive broad claims and therefore all the claims dependent thereto. Reconsideration is respectfully requested.

CONCLUSION

For the stated reasons, reconsideration is respectfully requested. Though Applicant does not believe that any fee is necessary, the Commissioner is hereby authorized to charge or credit the Deposit Account No. 12-1322 of Locke Liddell & Sapp LLP under Order No. 64423-00040. In light of the foregoing remarks, the claims of the application have been distinguished over the cited references. The Examiner is requested to contact the undersigned at (713) 226-1218 should he deem it necessary to advance the prosecution of this application.

Respectfully submitted,



Steven S. Boyd
Registration No. 42,353


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LOCKE LIDDELL & SAPP LLP
600 Travis, Suite 3400
Houston, Texas 77002-3095
Telephone No.: (713) 226-1142
Facsimile No.: (713) 223-3717

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Beth A. Sanders